



May 18, 2009

Secretary of Commerce Gary Locke
1401 Constitution Avenue, NW
Room 5128
Washington, DC 20230

RE: NOAA-NMFS-2009-0040 - Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery

Dear National Marine Fisheries Service:

On behalf of Honu.Org, the sea turtle conservation program of OceanHealth.Org, I am submitting our opposition to the proposed federal regulations that would increase the longline fishery for swordfish in Hawai'i. Our hundreds supporters in Hawai'i and around the Pacific Rim support strong sea turtle conservation measures and oppose the expansion of the Hawai'i-based shallow-set longline fishery. We urge you to reject this proposed regulation that endangers the populations of sea turtles, seabirds, and marine mammals while posing a public health threat to populations that consume mercury-contaminated swordfish.

By expanding the Hawai'i-based longline fishery, NMFS will violate several environmental laws intended to protect marine ecosystems:

- The Endangered Species Act (ESA) requires NMFS to ensure that sea turtle populations not only continue to survive, but requires recover;
- The Marine Mammal Protection Act (MMPA) protects marine mammals known to be injured or killed by the Hawaii pelagic longline fishery, including humpback whales and false killer whales. NMFS has not yet taken the required steps to reduce fishery-related harm to these species and would violate;
- The Migratory Bird Treaty Act (MTBA) requires protection for migratory birds that are known to be killed by the existing Hawai'i-based longline fishery and an expanded fishery will kill more; and
- The Magnuson-Stevens Act (MSA) requires that fishery managers to end overfishing immediately and rebuild overfished populations of bigeye and yellowfin tuna while not increasing catch levels of these species in the Hawaii longline fishery.

From a public health perspective, increasing swordfish catches does not make sense and increases the risk to vulnerable populations like women and children. Swordfish is known to

contain high levels methylmercury (a neurotoxin that should be avoided) and other contaminants because they bioaccumulate ocean toxins brought up the food chain. In 2004, the FDA and EPA released public health warnings for women of childbearing age and children to stop eating swordfish and other high mercury fish. Although public health education efforts exist, they have not yet succeeded in eliminating this threat. Some restaurants will not even serve swordfish because of tumors in the tissue and concerns about its health effects. It goes against common sense and public health precautionary principles to increase the amount of risk to vulnerable populations.

This unnecessary expansion of fishing for toxic swordfish will further threaten endangered leatherback sea turtles, whose Pacific populations collapsed to less than 10 percent during the 1980s and 1990s, and loggerhead sea turtles whose numbers are a fraction of historic levels. Sea turtle populations are too small to risk any increase in losses due to bycatch in even a modified longline fishery. Swordfish, along with many top ocean predators, have also declined dramatically and should be protected from overfishing, too. Given the risks to sea turtles, marine mammals, birds, and fish populations, the proposed expansion of the Hawai'i-based longline fishery should be rejected.

Thank you,

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